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Epic Games, Inc.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

EPIC GAMES, INC.,

Plaintiff, Counter-defendant,

v.

APPLE INC.,

Defendant, Counterclaimant.

Case No. 4:20-CV-05640-YGR-TSH

**EPIC GAMES, INC.'S EXHIBIT LIST FOR
EVIDENTIARY HEARING ON MOTION
TO ENFORCE INJUNCTION**

Hearing Date: May 8, 2024

Courtroom: 1, 4th Floor

Judge: Hon. Yvonne Gonzalez Rogers

Plaintiff and Counter-defendant Epic Games, Inc. (“Epic”) respectfully submits this exhibit list pursuant to the Order Setting Evidentiary Hearing entered by the Court on April 23, 2024 (ECF No. 925). To the extent Epic’s exhibits were admitted into evidence at the trial in this matter, they are assigned the same exhibit numbers below. Epic otherwise submits its exhibits using CX-0001 to CX-0999. Defendant and Counterclaimant Apple Inc. (“Apple”) will separately submit its exhibit list using CX-1000 to CX-1999. Epic reserves the right to use the exhibits included in Apple’s exhibit list, to introduce additional exhibits solely for the purpose of impeachment or rebuttal of testimony and/or evidence presented by Apple, and to supplement or amend this list for good cause or in response to Apple’s exhibit list and other pre-hearing disclosures.

<u>Ex. No.</u>	<u>Description</u>	<u>Sponsoring Witness</u>	<u>Stipulation to Admit</u>	<u>Objection</u>	<u>Date Admitted</u>
PX-0602	12/13/2019 2019 App Store Budget & Headcount - MASTER.key	Barnes, Oliver, Roman			
PX-0608	10/8/2019 01 Business Management FY20 Overview Not Shared.key	Barnes, Oliver, Roman			
PX-0609	10/31/2014 Email regarding IS&S P&L’s	Barnes, Oliver, Roman			
PX-0610	9/25/2014 IS&S and iAd P&L’s Final.xlsx (also marked as deposition exhibit PX-759)	Barnes, Oliver, Roman			
PX-1000	Alternative Estimate of Apple App Store Operating Margin Percentage - Epic Summary Pursuant to Federal Rule of Evidence 1006	Barnes, Oliver, Roman			

<u>Ex. No.</u>	<u>Description</u>	<u>Sponsoring Witness</u>	<u>Stipulation to Admit</u>	<u>Objection</u>	<u>Date Admitted</u>
PX-2385	3/17/2011 Email regarding Fwd: Apple Return Policy and Fraudulent Transactions Cost	Barnes, Oliver, Roman			
PX-2668	Apple SEC Form 10-K for the fiscal year ended September 28, 2019	Barnes, Oliver, Roman			
PX-2790	App Store Review Guidelines dated February 1, 2021	Schiller, Fischer, Roman, Oliver			
CX-0001	App Store Review Guidelines dated January 16, 2024 (Dkt. 874 Ex. 1)	Schiller, Fischer, Roman, Oliver			
CX-0002	StoreKit External Purchase Link Entitlement Addendum for US Apps (Dkt. 874 Ex. 2)	Schiller, Fischer, Roman, Oliver			
CX-0003	Apple Support Page: Distributing apps in the U.S. that provide an external purchase link (Dkt. 874 Ex. 3)	Schiller, Fischer, Roman, Oliver			
CX-0004	Apple Support Page: StoreKit External Purchase Link Entitlement (US) (Dkt. 874 Ex. 4)	Schiller, Fischer, Roman, Oliver			
CX-0005	StoreKit External Purchase Link Entitlement Addendum for Netherlands Dating Apps (to the Apple Developer Program License Agreement) (Dkt. 871-4 Ex. 15)	Schiller, Fischer, Roman, Oliver			

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CX-0006	External Link Account Entitlement Addendum for Reader Apps (to the Apple Developer Program License Agreement) (Dkt. 871-4 Ex. 16)	Schiller, Fischer, Roman, Oliver			
CX-0007	03/08/2024 Email re Apple Compliance Notice (Dkt. 897-3 Ex. A)	Schiller, Fischer, Roman, Oliver			
CX-0008	App Review Guidelines dated March 5, 2024 (Dkt. 897-3 Ex. B)	Schiller, Fischer, Roman, Oliver			
CX-0009	Price Committee Deck (Dkt. 916-7)	Schiller, Fischer, Roman, Oliver			
CX-0010	Apple Support Page: Distributing Dating Apps in the Netherlands (Dkt. 921-2 Ex. A)	Schiller, Fischer, Roman, Oliver			
CX-0011	Apple Support Page: Distributing Apps Using a Third-Party Payment Provider in South Korea (Dkt. 921-2 Ex. B)	Schiller, Fischer, Roman, Oliver			
CX-0012	Apple Support Page: Distributing Music Streaming Apps in the EEA That Provide an External Purchase Link (Dkt. 921-2 Ex. C)	Schiller, Fischer, Roman, Oliver			
CX-0013	App Review Guidelines dated April 5, 2024	Schiller, Fischer, Roman, Oliver			
CX-0014	Analysis Group Report (Detailed)	Schiller, Fischer, Roman, Oliver			
CX-0015	Analysis Group Report (Streamlined)	Schiller, Fischer, Roman, Oliver			

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CX-0016	Apple Support Page: Buttons	Schiller, Fischer, Roman, Oliver			
CX-0017	Wall Street Journal, <i>Apple Changes Its App Store Policy. Critics Call the Moves 'Outrageous.'</i> (Jan. 17, 2024)	Schiller, Fischer, Roman, Oliver, Shobin, Simon, Barnes			
CX-0018	BBC, <i>Spotify attacks Apple's 'outrageous' 27% commission</i> (Jan. 18, 2024)	Schiller, Fischer, Roman, Oliver, Shobin, Simon, Barnes			
CX-0019	Wall Street Journal, <i>The Main Driver of Apple's Success Has Become Its Biggest Liability</i> (Jan. 26, 2024)	Schiller, Fischer, Roman, Oliver, Shobin, Simon, Barnes			
CX-0020	The Verge, <i>Apple thought it dealt with Epic v. Apple - has it really?</i> (Jan. 24, 2024)	Schiller, Fischer, Roman, Oliver, Shobin, Simon, Barnes			
CX-0021	Epic Games, <i>UPDATE: Apple Reinstates Epic Developer Account After Public Backlash for Retaliation</i> (Mar. 8, 2024)	Schiller, Fischer, Roman, Oliver, Shobin, Simon, Barnes			
CX-0022	PayPal.com, <i>Merchant Fees</i> (Last Updated Oct. 23, 2023)	Schiller, Fischer, Roman, Oliver, Shobin, Simon, Barnes			
CX-0023	Stripe.com, <i>Pricing built for businesses of all sizes</i>	Schiller, Fischer, Roman, Oliver, Shobin, Simon, Barnes			

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CX-0024	9 to 5 Mac, <i>Facebook and Instagram boost now have to give Apple a cut; Meta calls it a tax</i> (Oct. 26, 2022)	Schiller, Fischer, Roman, Oliver, Shobin, Simon, Barnes			
CX-0025	Apple Support Page: Distributing “reader” apps with a link to your website	Schiller, Fischer, Roman, Oliver			
CX-0026	Timetoplayfair.com, <i>A Timeline: How we got here</i>	Schiller, Fischer, Roman, Oliver, Shobin, Simon, Barnes			
CX-0027	USA Today, <i>What is a third-party payment processor?</i> (Oct. 24, 2023)	Schiller, Fischer, Roman, Oliver, Shobin, Simon, Barnes			
CX-0028	USA Today, <i>What are credit card processing fees?</i> (Oct. 24, 2023)	Schiller, Fischer, Roman, Oliver, Shobin, Simon, Barnes			
CX-0029	Inc.com, <i>Apple to Developers: Show Me the Money</i> (Jan. 18, 2024)	Schiller, Fischer, Roman, Oliver, Shobin, Simon, Barnes			
CX-0030	Daring Fireball, <i>Coming to Grips with Apple’s Seemingly Unshakable Sense of Entitlement to Its Commissions from Third-Party iOS Apps</i> (Jan. 17, 2024)	Schiller, Fischer, Roman, Oliver, Shobin, Simon, Barnes			
CX-0031	Apple Developer Blog, API Collection: External Purchase	Schiller, Fischer, Roman, Oliver			

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CX-0032	Apple Developer Blog, Using Alternative Payment Options on the App Store in the European Union	Schiller, Fischer, Roman, Oliver			
CX-0033	Apple Developer Blog, Updated App Review Guidelines Now Available (Apr. 5, 2024)	Schiller, Fischer, Roman, Oliver			
CX-0034	Apple Developer Blog, More Options for Apps Distributed in the European Union (Mar. 12, 2024)	Schiller, Fischer, Roman, Oliver			
CX-0035	Apple Developer Blog, Getting Started with Web Distribution in the EU	Schiller, Fischer, Roman, Oliver			
CX-0036	Apple Developer Blog, Updates to App Distribution in the European Union (Mar. 5, 2024)	Schiller, Fischer, Roman, Oliver			
CX-0037	Apple Developer Blog, Updated App Review Guidelines Now Available (Mar. 5, 2024)	Schiller, Fischer, Roman, Oliver			
CX-0038	Apple Developer Blog, StoreKit and Review Guideline Update (Jan. 16, 2024)	Schiller, Fischer, Roman, Oliver			
CX-0039	Apple Developer Blog, Update on Apps Distributed in South Korea (June 30, 2022)	Schiller, Fischer, Roman, Oliver			
CX-0040	Apple Developer Blog, Update on StoreKit External Entitlement for Dating Apps (Mar. 30, 2022)	Schiller, Fischer, Roman, Oliver			

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CX-0041	Apple Developer Blog, Update on Dating Apps Distributed on the App Store in the Netherlands (Jan. 14, 2022)	Schiller, Fischer, Roman, Oliver			
CX-0042	StoreKit External Purchase Entitlement Addendum for Apps in South Korea	Schiller, Fischer, Roman, Oliver			
CX-0043	Alternative Terms Addendum for Apps in the EU	Schiller, Fischer, Roman, Oliver			
CX-0044	Apple SEC Form 10-K for the fiscal year ended September 23, 2023	Barnes, Oliver, Roman			
CX-0045	Apple spotlights the top apps and games of 2023 on the App Store (Dec. 12, 2023)	Schiller, Fischer, Roman, Oliver			
CX-0046	Most Popular Apps 2024 (Jan. 30, 2024)	Schiller, Roman, Fischer, Oliver			
CX-0047	US App Market Statistics (Feb. 1, 2024)	Schiller, Roman, Fischer, Oliver			
CX-0048	Mobile Gaming in 2023: Still Cooling Down After a Red-Hot Run, the \$107B Category Wasn't Without Success Stories (Feb. 21, 2024)	Schiller, Roman, Fischer, Oliver			
CX-0049	Slide deck titled, "Play Value Model" (08/08/2019) (Epic v. Google Dkt. 886-30)	Schiller, Roman, Fischer, Oliver			
CX-0050	Epic v. Google Trial Tr. Nov. 8, 2023 (Epic v. Google Dkt. 837)	Schiller, Roman, Fischer, Oliver			

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CX-0051	Microsoft, <i>Benefits of Distributing Your Apps via Microsoft Store</i> (Dec. 14, 2023)	Schiller, Fischer, Roman, Oliver, Shobin, Simon, Barnes			

Dated: May 3, 2024

Respectfully submitted,

By: /s/ Gary A. Bornstein

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